BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2005-385-E - ORDER NO. 2009-355

MAY 29, 2009

IN RE: Petition of the Office of Regulatory Staff to
Establish Dockets to Consider Implementing
the Requirements of Section 1251 (Net
Metering and Additional Standards) of the
Energy Policy Act of 2005

DRDER GRANTING
PETITION OF
ELIZABETH M. SMITH
TO INTERVENE OUT OF
TIME AND DISMISSING
AS MOOT REQUEST TO
WAIVE PREFILE
TESTIMONY BY PUBLIC
WITNESSES

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of Elizabeth M. Smith ("Petitioner" or "Ms. Smith"), in which she seeks this Commission's order permitting her to intervene in this docket out of time. She also requests waiver of prefiling requirements and permission for members of the public to testify.

Petitioner represents that she is a homeowner in Charleston, South Carolina, and that she has installed solar photovoltaics on her home. She wishes to intervene in this docket as a party. No party has objected to her intervention. No prejudice to any party would result from her intervention. The Commission has broad discretion to allow intervention out of time where it would cause no prejudice to any party and where no party objects to such intervention. Accordingly, Petitioner's request that she be allowed to intervene out of time is granted.

We dismiss as moot the Petitioner's request that members of the public who

attend the June 30 hearing in this matter be allowed to testify without formal intervention

as parties and without prefiling testimony, since the Commission's normal procedures

already allow public testimony of non-parties who attend hearings, without requiring the

prefiling of their testimony. Only those persons and organizations who formally

intervene as parties must prefile testimony.

This Order shall remain in full force and effect until further order of the

Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming, Chairman

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ATTEST:

John E. Howard, Vice Chairman

(SEAL)